

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

WHOLE WOMAN’S HEALTH, et al.,

Plaintiffs,

v.

JUDGE AUSTIN REEVE JACKSON, et al.,

Defendants.

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1:21-CV-616-RP

ORDER

On June 24, 2022, the Court dismissed claims 1-5 against all Defendants and Claims 6 and 7 against Defendants Jackson, Dickson, Paxton, and Clarkson. (Order, Dkt. 107). The Court noted that it would retain jurisdiction over “any subsequent claims for fees and/or costs incurred in this litigation.” (*Id.*). Since that time, nearly a year has passed, and no party has filed a motion for fees or costs. Although the Fifth Circuit remanded the case with instructions to determine whether the Plaintiffs have standing to challenge Tex. Civ. Prac. & Rem. Code Ann. Sec. 30.022, it remains unclear how such standing would be consistent with the Texas Supreme Court’s decision in *Whole Woman’s Health v. Jackson*, 642 S.W.3d 569, 583 (Tex. 2022).

Accordingly, **IT IS ORDERED** that Plaintiffs shall file a any motion for fees or costs on or before **June 15, 2023**. **IT IS FURTHER ORDERED** that, if Plaintiffs intend to pursue Claims 6 or 7 against the remaining Defendants, they shall file an amended complaint alleging such claims on or before **June 15, 2023**.

Alternatively, the parties may file the appropriate dismissal papers on or before **June 15, 2023**. Unless Plaintiffs timely file a motion for fees or costs or file such an amended complaint or the parties file dismissal papers, the Court will dismiss the remaining claims for want of prosecution on or after June 16, 2023.

SIGNED on May 15, 2023.

A handwritten signature in blue ink, appearing to read "Robert Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE